

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 7 and 11 have been amended. This amendment broadens claims 7 and 11. No new matter has been added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-11 are now pending in this application.

### ***Rejection under 35 U.S.C. § 112, first paragraph***

Claims 7 and 11 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office Action stated on page 2: “The specification as originally filed fail to provide support for the limitation ‘an uncolored front lens’ in claims 7 and 11, line 4.” Applicants respectfully disagree. Support for the limitation “an uncolored front lens” can be found in the specification at least on page 10, lines 20-24. Nevertheless, in order to expedite prosecution of the application, claims 7 and 11 have been amended to recite “a front lens” instead of “an uncolored front lens”, thus overcoming the rejection under 35 U.S.C. § 112, first paragraph.

### ***Rejection under 35 U.S.C. § 103***

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,342,762 to Young et al. (“Young”) in view of U.S. Patent No. 4,435,219 to Greigger et al (“Greigger”), U.S. Patent No. 5,693,690 to Hayashi et al. (“Hayashi”) and, as evidence U.S. Patent No. 5,624,998 to Itoh et al (“Itoh”). Applicants respectfully traverse this rejection for at least the following reason.

Independent claim 1 is directed to a coloring coating agent. The coloring coating agent comprises a pigment which is a mixture comprised of a red rouge pigment and a yellow

organic pigment, where the red rouge pigment has a particle size of 0.1 to 0.3  $\mu\text{m}$ . Thus, the coloring coating agent of claim 1 has a red rouge pigment particle size of greater than 0.1  $\mu\text{m}$ . The coloring coating agent of claim 1 provides advantages for the recited red rouge particle size and specified composition not suggested by any of the references cited in the rejection. The coloring coating agent of claim 1 provides a film with excellent thermal cracking resistance, and stable long term yellow luminescence, for example, even though the red rouge pigment has a particle size of 0.1 to 0.3  $\mu\text{m}$  (See Summary of Invention and Examples in the specification). Applicants submit that the references cited in the rejection do not suggest a coloring coating agent with the recited red rouge pigment particle size in the context of claim 1, nor would the features of claim 1 be obvious in view of these references.

The Office Action specifically acknowledges that Young and Greigier fail to disclose the claimed red rouge pigment particle size, but supplies Hayashi and Itoh for disclosing iron oxide particle sizes. Applicants submit, however, that claim 1 is not obvious in view of Hayashi or Itoh.

Hayashi discloses an iron oxide particle size in a resin or rubber composition with an average particle size of 0.05 to 1.0  $\mu\text{m}$ . With respect to the limits of this size range, Hayashi discloses that if the average particle diameter is less than 0.05  $\mu\text{m}$ , it is difficult to disperse iron oxide particles into the rubber or thermoplastic resin, and if the particle diameter exceeds 1.0  $\mu\text{m}$ , processability is lowered (col. 4, line 64 to col. 5, line 2).

Hayashi, however, fails to recognize the importance of the iron oxide particle size and other composition parameters in thermal cracking resistance, and stable long term yellow luminescence, as in the claimed coloring coating agent of claim 1. Thus, the composition of claim 1 is not obvious in view of Hayashi. While the Office Action states that the iron oxide of Hayashi provides a resin composition with suppressed deterioration, Hayashi does not disclose that this suppressed deterioration is due to the particle diameter. Instead, Hayashi discloses the suppressed deterioration to be due to the shape of the particles, the presence of silicon within the particles, and the presence of silicon on the particle surfaces (col. 8, lines 43-48). Thus, Hayashi does not suggest any relationship between suppressed deterioration and particle size.

Itoh fails to cure the deficiencies of Young, Greigger and Hayashi. Itoh only teaches that metal oxide particle diameter is an important factor in producing a transparent aqueous gel (col. 5, lines 34-37). Itoh does not recognize the importance of iron oxide particle size and other composition parameters in thermal cracking resistance, and stable long term yellow luminescence, as in the claimed coloring coating agent of claim 1. Thus, the composition of claim 1 is not obvious in view of Itoh. Moreover, the preferable particle range disclosed in Itoh is 0.001 – 0.1  $\mu\text{m}$ , outside the range in claim 1.

Independent claim 9 is directed to a pigment mixture for use in a coloring coating agent, and recites “a red rouge pigment having a spherical particle shape and a particle size of 0.1 to 0.3  $\mu\text{m}$ .” Claim 9 is patentable for reasons analogous to claim 1.

The dependent claims ultimately depend from one of independent claims 1 and 9, and are patentable for at least the same reasons, as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 10, 2005 By Thomas G. Bilodeau

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 945-6162

Facsimile: (202) 672-5399

Pavan K. Agarwal

Registration No. 40,888

Thomas G. Bilodeau

Registration No. 43,438

Attorneys for Applicant